5

1905

FILE No. 7 OF 1905-06.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

PROCEEDINGS OF THE GENERAL AND REVENUE DEPARTMENT

LEGISLATIVE

NOVEMBER

"A" Collection Serial Nos. 1—3

Amendment of Section 193 of the Mysore Land Revenue Code, Regulation IV of 1888.

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1905-06

GENERAL AND REVENUE SECRETARIAT

(LEGISLATION) FOR NOVEMBER 1905.

NOTES

File No. 7 of 1905-06.

Amendment of Section 193 of the Mysore Land Revenue Code 1888.

1. I beg to invite attention to the new Section 144A, added to the Assam Land and Revenue Regulation by Regulation, II of 1905 (p. 405 of the *Gazette of India*, dated 17th June 1905.

2. It corresponds to para 1 of Section 193 of our Land Revenue Code, but contains an additional provision regarding moneys due to Government under contracts which provide that they shall be recoverable as arrears of land revenue. Such a provision will, if adopted in Mysore, go a long way towards meeting the difficulties felt recently in connection with (1) the recovery of advances to raiyats for earth-works to tanks, and (2) the recovery of arrears of loans to members of Agricultural Banks in cases where they agree that the same shall be recoverable as land revenue arrears.

3. If the desirablity of the addition is accepted, I shall then prepare a draft Regulation making the necessary amendments to Section 193.

K. S. CHANDRASEKHARA AIYAR,
28-6-05.

4. I think so also. Submitted to the Dewan Saheb through the 1st Councillor.

B. K. VENKATA VARADA IYENGAR,
28-6-05.

5. I agree. Some such law as this will remove all difficulties recently brought to notice.

C. SRINIVASIENGAR,
29-6-05.

6. This is a good suggestion and may be carried out.

P. N. KRISHNA MURTHI,
2-7-05.

7. A draft Regulation to amend Section 193 of the Land Revenue Code, is accordingly submitted for approval. The statement of objects and reasons, which accompanies it, fully explains the necessity for the measure.

K. S. CHANDRASEKHARA IYER,
11-7-05.

8. To Council

B. K. VENKATA VARADA AIYENGAR,
11-7-05.

9. The Draft Regulation was passed at this day's meeting Wednesday, the 26th July 1095 of Council.

10. The Draft of a letter to the First Assistant Resident is submitted for approval.

K. S. CHANDRASEKHARA AIYER,
26-7-05.

10. Passed for issue on.

B. K. VENKATA VARADA IYENGAR,
26-7-05.

Submitted to His Highness.

11. The statement of objects and reasons explains the need for the amendment to Section 193 of the Mysore Land Revenue Code, which is on the lines of the new Section 144A, recently added to the Assam Land Revenue Regulation. The amendment provides for the recovery of moneys due to Government under contracts as arrears of land revenue and will thereby obviate the difficulties now felt in recovering advances of money made for earth-work to tanks and of loans due from Agricultural Banks. The Regulation and the draft to the Residency applying for the sanction of the Government of India may be approved.

P. N. K.
4-8-05.

Order.

12. Approved.

K. R. W.,
His Highness the Maharaja of Mysore.
8-8-05.

13. Issue.

P. N. K.
10-8-05.

(1) To the First Assistant to the Hon'ble the Resident in Mysore, letter Pol. No. 118, dated 16th August 1905.

Forwards a Draft Regulation amending Section 193 of the Mysore Land Revenue Code Regulation, IV of 1888, and requests that the sanction of the Government of India may kindly be obtained to its being promulgated as law.

(2) From the same officer, letter No. 6308, dated 31st October 1905.

States that the Government of India have no objection to the proposed legislation.

14. Submitted with two fair copies of the Regulation, His Highness the Maharaja's sanction has now to be obtained.

T. K. S. 1-11-05 S. N. 1-11-05

K. S. CHANDRASEKHARA AIYER,
2-11-05.

15. Submitted to the Dewan Saheb.

B. K. VENKATA VARADA IYENGAR,
3-11-05.

Submitted to His Highness.

16. Sanction may be accorded to publish the "Regulation further to amend the Mysore Land Revenue Code" which has received the approval of the Government of India.

Order.

P. N. K.
8-9-05.

17. Sanctioned.

K. R. W.,
His Highness the Maharaja of Mysore.
13-11-05.

18. Publish.

P. N. K
15-11-05.

19. Draft of an order to the Compiler, is submitted for approval.

T. K. S. 20-11-05 S. N. 20-11-05

20. Issue

B. RAMASWAMIENGAR,
22-11-05.

(3) To the Compiler Mysore Gazette, All Heads of Departments and the Deputy Commissioners of Districts No. J. 1443-83, dated 23rd November 1905.

Orders that the Regulation further to amend the Mysore Land Revenue Code, IV of 1888, be promulgated as Regulation VI of 1905.

Amendment of Section 193 of the Mysore Land Revenue Code, Regulation IV of 1888.

FILE NO. 7 of 1905-06.

Political No. 118—Enc. 2, dated the 16th August 1905, to the First Assistant to the Hon'ble the Resident in Mysore.

Serial No. 1.

I am directed to forward herewith a draft of a Regulation further to amend the Mysore Land Revenue Code Regulation, IV of 1888, and to request that the sanction of the Government of India may kindly be obtained to its being promulgated as law.

2. Among the amendments recently made to the Assam Land and Revenue Regulation I of 1886 is one that provides that "all moneys falling due to Government under any grant, lease, security bond or contract which provides that they shall be so recoverable, may be recovered under this Regulation in the same manner as an arrear of Land Revenue" (*vide* section 144 A newly added by Regulation, II of 1905, published at pages 403-5 of the *Gazette of India* Part 1, dated the 17th June 1905.)

3. It has appeared to His Highness the Maharaja's Government that such a provision (and in particular, that portion of it which relates to contracts embodying the liability for recovery as a revenue arrear) may with advantage be adopted in Mysore.

4. As a matter of fact, difficulties have been felt of late in connection with the recovery of loans originally made to the Coffee Banks of Saklespur and Chikmagalur, but which have been ordered to be apportioned among the members individually on their agreeing in writing to their shares of the loans being recovered by Government as arrears of land revenue. Similar difficulties have also been raised in connection with the question of the recovery of advances made to raiyats for enabling them to do the earthwork of tanks under the minor tanks restoration scheme.

5. All these difficulties will disappear if a provision like that under advertence be inserted in section 193, of the Mysore Land Revenue Code, 1888. This accordingly is the object of the accompanying Draft Regulation.

6. As the addition proposed to be made applies to all moneys due under security bonds generally, the fourth paragraph of section 193 of the Code relating to the liability of sureties in certain cases becomes superfluous and has accordingly to be omitted. This consequential change will be effected by sub-section (2) of section 1 of the draft.

Draft of a Regulation further to amend the Mysore Land Revenue Code, Regulation IV of 1888.

WHEREAS it is expedient further to amend the Mysore, Land Revenue Code, 1888, His Highness the Maharaja is pleased to enact as follows :—

Preamble

1.—(1) In Section 193 of the Mysore Land Revenue Code, 1888, after the first paragraph ending with the words "relating to land revenue" the following words shall be inserted, namely :—

Amendment of Section 193, of the Mysore Land Revenue Code.

"and all moneys falling due to Government under any grant, lease, security bond, or contract which provides that they shall be recoverable as a revenue demand or arrear of Land-Revenue."

(2) In the same section the paragraph beginning with the words "and all persons" and ending with the words "revenue defaulters" is repealed.

STATEMENT OF OBJECTS AND REASONS

Among the amendments recently made to the Assam Land and Revenue Regulatin, I of 1883, is onn that provides that "all moneys falling due to Government under any grant, lease, security bond, or contract which provides that they shall be so recoverable, may be recovered under this Regulation in the same manner as an arrear of Land Revenue." *vide* Section 144-A newly aded by Regulation II of 1905, published at pages 403-5, of the *Gazette of India*, Part I, dated the 17th June 1905.

It appears to Government that such a provision (and in particular, that portion of it which relates to contracts embodying the liability for recovery as a revenue arrear) may with advantage be adopted in Mysore.

Amendment of Section 193 of the Mysore Land Revenue Code, Regulation IV of 1888.

As a matter of fact, difficulties have been felt of late in connection with the recovery of loans originally made to the Coffee Banks of Saklespur and Chikmaglur, but which have been ordered to be apportioned among the members individually on their agreeing in writing to their shares of the loans being recovered by Government as arrears of land revenue. Similar difficulties have also been raised in connection with the question of the recovery of advances made to raiyats for enabling them to do the earthwork of tanks under the Minor Tanks Restoration Scheme.

All these difficulties will disappear if a provision like that under advertance be inserted in Section 193, of the Mysore Land Revenue Code, 1888. This, accordingly, is the object of the accompanying Draft Regulation.

As the addition proposed to be made applies to all moneys due under security bonds generally, the fourth paragraph of Section 193 of the Code, relating to the liability of sureties in certain cases becomes superfluous and has accordingly to be omitted. This consequential change will be effected by Sub-section (2) of Section, 1 of the Draft.

Letter No. 6308, dated 31st October 1903, from R. C. H. Moss King, Esq., I. C. S., First Assistant to the Resident in Mysore, to the Dewan of Mysore.

Serial No 2.

I am directed to acknowledge the receipt of Mr. Venkata Varada Iyengar's letter, Political, No. 118, dated the 16th August 1905, forwarding the draft of a Regulation further to amend the Mysore Land Revenue Code, Regulation IV of 1888.

2. In reply I am to say that the Government of India have no objection to the proposed legislation.

REGULATION No. VI OF 1905.

(Passed on the 13th day of November 1905.)

A Regulation further to amend the Mysore Land Revenue Code, Regulation IV of 1888.

Preamble.

Whereas it is expedient further to amend the Mysore Land Revenue Code, 1888, His Highness the Maharaja is pleased to enact as follows :—

Amendment of Section 193, Regulation IV of 1888.

1. (1) In Section 193 of the Mysore Land Revenue Code, 1888, after the first paragraph ending with the words "relating to land revenue" the following words shall be inserted, namely :—

"and all moneys falling due to Government under any grant, lease, security bond, or contract which provides that they shall be recoverable as a revenue demand or arrear of land revenue ;"

(2) In the same section the paragraph beginning with the words "and all persons" and ending with the words "revenue defaulters" is repealed

P. N. KRISHNA MURTI,
Dewan of Mysore.

Letter No. J. 1443-1483—Legis. 7-3, dated the 23rd November 1905.

Serial No. 3

Order thereon—Ordered that the Draft Regulation further to amend the Mysore Land Revenue Code, Regulation IV of 1888, which received the assent of His Highness the Maharaja on the 13th day of November 1905, be promulgated.